

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MATTHEW DIX,

*Petitioner,*

v.

SUPT. THERESA DELBALSO, et al.,

*Respondents.*

CIVIL ACTION  
NO. 20-02882

**ORDER**

**AND NOW**, this 23rd day of February 2021, upon consideration of the Petition for a Writ of Habeas Corpus, (ECF No. 1), the Philadelphia County District Attorney's Office's Response, (ECF No. 9), the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, (ECF No. 12), and Petitioner's Reply<sup>1</sup>, (ECF No. 22), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Claim One is **DISMISSED**, without prejudice to refile at the conclusion of state court appeals, for failure to exhaust state court remedies;
3. Claim Two is **DENIED**, with prejudice, because it is barred by *Stone v. Powell*, 428 U.S. 465 (1976); and
4. Petitioner has neither shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this court's procedural disposition of his claims. Consequently, a certificate of appealability is **DENIED**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.

---

<sup>1</sup> The Court construes Petitioner's Reply to the Government's Response as objections to the Report and Recommendation.